

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

MICHAEL MCCRAY

Plaintiff

-against-

**9:07-CV-0410
(JMH)**

**DONALD SELSKY, ROBERT K WOODS, and DONALD
QUINN,**

Defendants.

DECISION & ORDER

Hood, D.J.:

Preliminary Statement

Pursuant to 42 U.S.C. 1983, Plaintiff brings this suit via his amended complaint, claiming that Defendants violated his Constitutional rights. The matter is before the Court on Defendants' motion for summary judgment asserting that Plaintiff has failed to establish the existence of any Constitutional violation (Docket No. 24). Plaintiff has not responded to the motion despite being afforded an ample opportunity to do so. Moreover, Plaintiff was warned that a failure to file a response may result in the dismissal of this action. Having reviewed the record, it is concluded that defendants are therefore entitled to judgment as a matter of law.

Plaintiff alleges that he was denied due process of law during a prison disciplinary proceeding. He further contends that the sentence imposed violates the Eighth Amendment. A review of the

record refutes each of these claims.

Accordingly,

IT IS ORDERED herein as follows:

(1) Defendants' motion for summary judgment (Docket No. 24) is **GRANTED**.

(2) The complaint is **DISMISSED with prejudice**.

(3) The Clerk shall enter a separate judgment in favor of defendants contemporaneously with the filing of this Decision & Order.

This the 26th day of February, 2009.

Sitting by Designation



Signed By:

Joseph M. Hood *JMH*

Senior U.S. District Judge